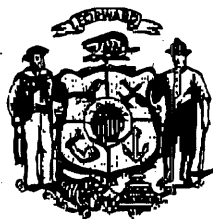


STATE OF WISCONSIN

JIM DOYLE  
GOVERNOR

March 16, 2004

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 836 in its entirety. The bill requires that criminal background checks be conducted for all employees of voucher schools. Further, the bill mirrors the teacher licensure law in prohibiting voucher schools from employing persons found guilty of certain crimes against children and crimes against life and bodily security for six years after their conviction. Finally, the bill allows a school participating in the Milwaukee Parental Choice Program to refuse to employ or terminate the employment of a person convicted of any felony, regardless of when the crime was committed.

While I strongly support the background check requirements in the bill and the provisions mirroring the state's teacher licensing law, I am vetoing the bill because the exemptions it creates to the Fair Employment Act are unnecessarily broad.

The authority that the bill provides to choice schools to refuse to hire or terminate from employment a person convicted of any felony potentially creates never-ending discrimination against someone who has been rehabilitated. Under the bill, a person can continue to be punished for a crime decades after he or she has served a prison sentence or paid a penalty. Anyone a choice school might employ, from teachers to janitors to lunchroom workers to secretaries to groundskeepers, would be affected.

Wisconsin's Fair Employment Act already provides employers broad discretion to determine whether a substantial relationship exists between a person's crime and the job at hand. Consequently, current law, properly interpreted, already permits voucher schools to refuse to hire convicted felons, as well as misdemeanants, who may pose a threat to the welfare of students. As a result, this provision is unneeded and unnecessarily restrictive.

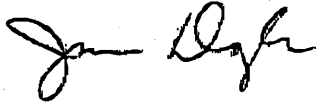
Since I vetoed substantially similar legislation earlier this session, it is unfortunate that these divisive provisions were combined with other provisions that have strong merit. The background check provisions of this bill are important protections that should be adopted. Further, the provisions in the bill that mirror the state's teacher licensure law have merit and should be adopted, as well. Under current law, the DPI may not grant a teaching license to any person who has been convicted of certain crimes against children and crimes against life and bodily security within six years of the conviction. Since private schools do not require teachers to be licensed, the bill would prohibit those same individuals who would be ineligible to teach in public and independent charter schools from teaching in voucher schools. These provisions would go a long way to protecting our children, but should not be adopted at the expense of civil rights protected under our state's Fair Employment Act.

March 16, 2004

Page 2 of 2

Instead of passing provisions that have already been vetoed and successfully sustained, the Legislature should focus on passing sensible provisions - like the background checks and employment prohibitions mirroring the state's teacher licensure law—that will be signed into law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Doyle", written in a cursive style.

JIM DOYLE  
Governor